

Application No. 10/714,233
AMENDMENT AND RESPONSE dated December 15, 2005
Reply to Office Action of September 15, 2005

REMARKS

Claims 1, 3-5, and 17-25 were rejected under 35 U.S.C. § 103(a) as being obvious given US 2003/0109286 A1 (Hack) in view of US 6,215,655 (Heady). Claims 6 and 8-13 were also rejected under 35 U.S.C. § 103(a) as being obvious given Hack in view of Heady and further in view of US 2003/0222334 (Ikeda). Lastly, claims 14-16 and 26-29 were rejected under 35 U.S.C. § 103(a) as being obvious given Hack in view of Heady and further in view of "Electroactive Polymer Artificial Muscles Acoustic Applications" by SRI International.

The Applicant has amended independent claims 1, 20, and 25 to require the acoustic dampener to be only partially disposed around the flexible audio transducer or portion supporting the transducer while still substantially fully separating the first and second portions of the substrate.

The Applicant continues to submit that there is no motivation for one skilled in the art to make the proposed combination of references. Hack and Ikeda relate to devices with flexible support substrates whereas Heady relates to a drive-in ordering apparatus that includes a rigid support substrate. Regarding the claims as amended by this response, there is also nothing in any of the cited references to suggest that one skilled in the art would combine the references to utilize an acoustic dampener that only partially surrounds a speaker. Moreover, no suggestion is made to use the vibration dampener to couple different flexible support substrates.

Additionally, the Applicant further submits that even if the cited references are combined as proposed, the combination still does not disclose all the limitations of the amended claims. Heady discloses a "vibration dampener 130 surround[ing] a microphone 420 with a vibration dampening substance 430 to hold it in place and

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to isolate it from vibrations present in conventional outdoor communications structures.” (Heady, Col. 6, lines 41-44.) (Emphasis added.) Heady, therefore, discloses the surrounding of an audio device with a dampening substance, not a dampening substance only partially disposed about the flexible speaker and substantially separating the two portions of a support substrate (i.e., Heady’s support substrate is the frame 100). Accordingly, the proposed combination suggests an audio device surrounded by a dampening substance, which would be entirely within the portion of the substrate that supports the audio device. The proposed combination does not suggest a dampening substance only partially around a flexible speaker and substantially fully separating portions of the support substrate.

In light of the claim amendments and response above, the Applicant respectfully requests withdrawal of the obviousness rejections to the claims and that claims 1, 3-6, and 8-30 be allowed.

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The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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Date: December 15, 2005

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